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UNHCR ACTIVITIES FINANCED BY VOLUNTARY FUNDS: REPORT FOR 1993-1994 AND PROPOSED PROGRAMMES AND BUDGET FOR 1995

PART III. EUROPE

Section 6 - France

(submitted by the High Commissioner)

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III.6 FRANCE

Country Overview

Characteristics of the refugee population

1. At 31 December 1993, there were some 183,000 registered refugees, of whom about 40,000 were minors. Between 1 January and 31 March 1994, 2,309 persons were granted refugee status.

2. In 1993, the total number of asylum-seekers who submitted an asylum application in France was 27,564, the majority of whom were from Sri Lanka (2,818), Romania (2,709), the former Yugoslavia (2,487), Zaire (2,162), Mali (1,372), Turkey (1,286), Algeria (1,098), Viet Nam (1,038), Cambodia (938) and Guinea (789).

3. From January to March 1994, 6,088 persons applied for refugee status and some 5 per cent were recognized.

4. During the period under review, a number of administrative measures have been adopted in France regarding the temporary protection of people originating from the former Yugoslavia (approximately 15,000).

Major developments (1993 and first quarter of 1994)

5. A draft law on immigration, conditions of entry and stay of foreigners in France was presented to Parliament by the new Government following the elections of April 1993. The new law codified the administrative practice and jurisprudence as developed by the Conseil d'Etat, confirming, inter-alia, the suspensive effect of appeals against negative decisions by the French Office for the Protection of Refugees and Stateless Persons (OFPRA). Moreover, the law introduced the notion of "safe third country" and rules regarding the state responsible for determining refugee status pursuant to the provisions of the Dublin Convention.

6. Regarding the application in France of the Schengen Agreement, a number of issues were raised by the French Constitutional Council concerning the compatibility of this law with the French Constitution. As a result, a national debate ensued which led to the adoption by the French Parliament of a constitutional amendment which paved the way for French law becoming fully compatible with the Schengen Agreement.

7. In early 1994, a draft decree was discussed relating to the creation of special "waiting zones" (zones d'attente) for asylum-seekers at airports and the access of UNHCR to these zones. The decree is expected to be adopted later in 1994.

8. The Appeal Commission intensified its legal analytical work on key notions such as persecution and agents of persecution. Jurisprudence was further developed on questions concerning nationality, the relationship between national protection and international protection and the application of the refugee definition to persons fleeing from civil war.

Programme objectives and priorities

9. The UNHCR Branch Office in Paris will continue to supervise the implementation of the 1951 Convention and domestic refugee legislation, in compliance with French Law, particularly with regard to the reception of asylum seekers and the examination of their claims. In close consultation with the competent authorities, UNHCR will issue advisory opinions to OFPRA in precedent setting cases. The Branch Office in Paris will also participate as one of three judges at the Refugee Appeals Commission (CRR).

10. Based on experience gained with asylum seekers from the former Yugoslavia, UNHCR will promote the further development of temporary protection regimes for persons fleeing civil war.

11. The Branch Office in Paris will engage in an active and comprehensive external relations strategy with a view to mobilizing and maximizing public support for UNHCR activities in France and worldwide. Public information campaigns will be carried out in order to sensitize the public at large, in particular key opinion leaders, to the plight of refugees. Efforts in the field of private sector fund raising will include letter campaigns and a number of media events on specific topics or refugee situations.

12. Cooperation with a number of non-government organizations (NGOs) active in the field of legal and social counselling will be intensified in order to obtain maximum coverage of individual asylum-seekers and refugees through operational partners, such as France Terre d'Asile (FTDA) and Service Social d'Aide aux Emigrants (SSAE).

13. In 1994 and 1995, training activities for operational partners, other NGOs and governmental counterparts involved in the eligibility procedure will be further expanded to cover all areas of legal protection. Training activities will attempt to create fora for exchange of opinions and relevant information between governmental and non-governmental organizations. By providing UNHCR opinions in a timely manner and improving access to UNHCR databases, the office will enhance its strategy of using training as a means of assisting the competent authorities in developing a streamlined approach on refugee status determination.

Arrangements for implementation/related inputs

14. The Office Français de Protection des Réfugiès et Apatrides (OFPRA) and the Commission de Recours are the main government counterparts for UNHCR in France. UNHCR has also developed close cooperation with NGOs providing material assistance to refugees. In 1991 and 1993, the Branch Office in Paris entered into agreements with Service Sociale Assistance aux Emigrantes (SSAE) and France Terre d'Asile (FTDA) for individual social counselling of asylum-seekers and refugees. IOM organizes transport for refugees who avail themselves of voluntary repatriation.

General Programmes

(a) Variations in planned activities in 1993

15. An agreement between Branch Office Paris and FTDA in relation to individual asylum-seekers and refugees in need of legal counselling, was initially foreseen for June 1993, but only became effective on 1 January 1994, due to the necessity of having to define respective roles and responsibilities. As repatriation costs were much higher than anticipated, the voluntary repatriation allocation was increased accordingly from the Programme Reserve.

(b) 1994 planned implementation

16. Programme activities will largely follow patterns established in previous years. In 1994, the local integration project is being revised to include transportation costs incurred by IOM in connection with dependants or family members accepted by France to join their relatives there. The SSAE will be in charge of this programme. FTDA will ensure the reception and social and legal counselling of asylum-seekers and refugees who approach UNHCR for advice and/or assistance. The initial voluntary repatriation allocation has also been revised upwards due to increased costs.

(c) 1995 programme proposals

Voluntary repatriation

17. In 1995, UNHCR will continue to cover transport costs of refugees residing in France who opt for voluntary repatriation but who have insufficient financial means to pay for their return to their country of origin. In 1993, 187 persons, the majority Chileans, were repatriated in cooperation with IOM. In the first three months of 1994, 44 persons were repatriated, of whom 38 returned to countries in Latin America. It is anticipated that some 200 persons will be assisted financially to repatriate in 1995.

Local integration

18. The main activity under the local integration project is the participation of the Branch Office in Paris at the appeals level of the refugee determination procedure, for which UNHCR receives an earmarked contribution from the French Government. The project foresees the remuneration, on a pro rata basis, of some 20 legal advisors who participate as judges in the Commission de Recours on behalf of UNHCR. In 1993, 21,089 appeals cases have been dealt with, and similar numbers are expected for 1994 and 1995.

19. UNHCR's contribution to the SSAE will continue in 1995 to allow for the complete transfer of family reunion cases to SSAE. Under the agreement signed between SSAE and Branch Office Paris, 185 cases were referred to SSAE between 1 April and 31 December 1993. IOM organized the travel of 251 family members. Travel costs were covered for 182 of these persons, whereas 69 covered their travel expenses by themselves. For 1994, IOM is expected to organize the travel of 400 persons. In 1995, a similar number of family reunions may be expected.

20. In compliance with an agreement between UNHCR and FTDA, asylum-seekers and refugees who call on UNHCR are now being referred to FTDA for appropriate follow-up. Where, in accordance with jointly established parameters, direct UNHCR involvement is required, the individual file may be referred to the Branch Office in Paris for further advice and/or démarches with the authorities, as appropriate.

Programme Delivery and Administrative Support Costs

(a) Variations in planned activities in 1993

21. Expenditure in 1993 remained within budget limits. Due to the extended sick leave of a staff member who met with an accident, costs for ten months of temporary assistance were met through savings under other activities, including travel.

(b) 1994 planned implementation

22. The estimate for 1994 includes an amount for the temporary replacement of a staff member going on maternity leave. The replacement of some office equipment will be necessary and the services of a security company will continue to be required. Six posts, which had been discontinued in 1993, were reinstated under a special contribution by the Government of France to enable the Office to fulfil its role in the status determination procedure which by law requires UNHCR's direct participation.

(c) 1995 programme proposals

23. All time-limited posts were extended until December 1995. No major changes are foreseen in the budget for 1995 unless premises for the Branch Office can be identified with the assistance of the Government.

UNHCR EXPENDITURE IN FRANCE

(in thousands of United States dollars)

1993	1994		1995	
AMOUNT OBLIGATED	ALLOCATION APPROVED BY 1993 EXCOM	PROPOSED REVISED ALLOCATION	SOURCE OF FUNDS AND TYPE OF ASSISTANCE	PROPOSED ALLOCATION/ PROJECTION
GENERAL PROGRAMMES (1)				
0.4 a/	–	–	CARE AND MAINTENANCE	–
200.1	100.0	160.3	VOLUNTARY REPATRIATION	160.1
741.2 b/	911.1	644.9	LOCAL SETTLEMENT	327.8
–	–	866.6	PROGRAMME DELIVERY See Annexes I a and II a	887.4
941.7	1,011.1	1,671.8	SUB-TOTAL OPERATIONS	1,375.3
964.9	871.6	172.6	ADMINISTRATIVE SUPPORT See Annexes I b and II b	105.5
1,906.6	1,882.7	1,844.4	TOTAL (1)	1,480.8
SPECIAL PROGRAMMES (2)				
9.1	–	–	OTHER TRUST FUNDS	–
–	–	449.4	PROGRAMME DELIVERY See Annexes I a and II a	485.5
9.1	0.0	449.4	TOTAL (2)	485.5
1,915.7	1,882.7	2,293.8	GRAND TOTAL (1+2)	1,966.3

a/ obligation incurred against Overall Allocation
b/ of which US$ 6,481 incurred against Overall Allocation